

**REMARKS**

A Notice of Appeal, and the official fee, accompanies this Response.

This application is rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

It is not clear what rejection, if any, the Examiner is making with respect to the heating and cooling system. As the Applicant understands the rejection, the Examiner alleges that it is unclear as to how the claimed heating and cooling system essentially operates. The Applicant points out that a thorough description of the heating and cooling air circulation system which details utilizing a heater and fan, a refrigeration unit and fan along with air directing baffles can be found in the Applicant's specification at columns 2-3, lines 61-66.

The present invention relates not to a method of heating and cooling food, which in fact could be performed in a number of known ways, but to a method or system for dispensing food. Specifically, with respect to the rejected claims under 35 U.S.C. § 112, first paragraph, although in the pending method claims the Applicant does recite the step of, "activating a heating and cooling means....." the pending claims do not recite any steps specifically directed to the "determination" of which portion of a tray need be warmed or maintained cool, nor under the particular condition of determining this when both heating and cooling units are operating at the same time. These are not believed to be specific limitations which are either express or inherent in the Applicant's claims. As the Applicant desires to be fully responsive to all grounds of rejection, if the Applicant has misunderstood this rejection, the Examiner is courteously requested to contact the undersigned attorney of record to discuss the same.

At any rate, whether such limitations are read into the pending claims or not, to the extent necessary to satisfy the written description requirement of 35 U.S.C. § 112, first paragraph, in view of the substantial and adequate disclosure of the Applicant's heating and cooling system as set forth above, there is more than sufficient detail and disclosure in the specification so as to allow one of skill in the art to make and or use the claimed invention

without undue experimentation, and therefore the Applicant requests withdrawal of the inadequate written description rejection.

Claims 21, 23-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

The Examiner continues to object to the term "regenerate" and as set forth in the previous response. The Applicant is not opposed to the rethermalization term, however the Applicant brings to the Examiner's attention the specification section at column 1, lines 25-27 which specifically relate "the regenerative cycle is then undertaken either by way of heating/cooling means in the trolley or to which the trolley can be linked". The Applicant believes that this background pertaining to what is known in the industry provides a sufficiently defined term for the regenerative or regeneration step as used throughout the specification. As the use of either term is believed to be substantially synonymous such that one of ordinary skill in the art would define them as to heat/cool food with respect to a previous storage temperature. However, in the claims as indicated by the Examiner as rejected under § 112, second paragraph, the term "regenerate" has been changed to "rethermalize" to simplify the issues for allowance and/or appeal in the present case.

Claims 1-5, 7-13 and 15-46 are again rejected, under 35 U.S.C. § 102(b), as being anticipated in view of Colato et al. '736. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b) the reference must disclose each and every limitation of the presently recited claims. Observing Applicant's claim 1 which includes the specific limitation:

*preparing the food for consumption at a first location;*

*...loading the maneuverable rack onto a refrigerated vehicle for transportation to a second remote location;*

Firstly, Colato et al. '736 fails to disclose any aspect relating to loading a maneuverable rack at a first food preparation location onto a "refrigerated vehicle". The Examiner alleges that column 2, lines 62-68 of the Colato et al. '736 disclosure reveals this feature, however the Applicant respectfully disagrees for the following reasons.

Reading the disclosure in context, this passage in Colato et al. '736's description provides, ".....a refrigerated tray rack having means for heating certain of the food dishes on the trays therein as herein before described and transported by an appropriate vehicle.....". Colato et al. '736 here describes the movable refrigerated tray rack and the trolley Ca, but importantly there is no disclosure of a further vehicle, much less a refrigerated vehicle as claimed by the Applicant. Colato et al. '736 may arguably disclose moving the refrigerated tray rack between two locations, however the description merely provides that Colato et al. '736 performs this function either (1) in the enclosure Ca, or (2) utilizing the apparatus 140 as shown in Fig. 9. In fact, either way, it is readily apparent that this description merely discloses that the trays, food and racks C are put in the refrigerated enclosure Ca, i.e., the "appropriate vehicle", and thus no further or secondary transfer vehicle is disclosed, taught or even suggested. Based on this, the Applicant believes this portion of the Colato et al. '736 disclosure teaches explicitly away from a transfer vehicle or even a refrigerated transfer vehicle as recited in Applicant's claim 1.

Claim 1 also includes the specific limitation:

*transferring the maneuverable rack, at the second location, into a moveable receptacle having at least one of heating and cooling means,...*

It is important to remember that the present claims are method claims which recite a multitude of steps relating to a novel method or system for dispensing food. A review of Colato et al. '736 fails to reveal any disclosure or even suggestion of these specifically recited steps, namely the steps of (1) from a first location transferring the rack on a transfer vehicle nor (2) transferring

the rack at a second location, from the transfer vehicle into the movable receptacle. Notably, the Colato et al. '736 disclosure indicates that the Applicant's above discussed and explicitly claimed step cannot be accomplished because, "[t]he enclosure or cart with its tray rack or racks and complete trays within the same may be prepared with food at a central supply point and then conveyed to any desired location" (see column 2, lines 16-21). In other words, there cannot be a transfer at the second or "desired location" because the transfer to the refrigerated enclosure Ca is expressly described by Colato et al. '736 at the central supply point or first location.

Understanding that the present invention is an improvement over systems with which Colato et al. '736's device was intended to operate, which require transfer of the enclosure, racks, trays and food, between the first and a second desired locations, the Applicant's invention as recited explicitly by the claims, is able to forego the use of the cart or enclosure Ca, for a substantial portion of the system, specifically for purposes of economy and feasibility.

Further to the above, claim 1 also recites the steps of:

*removing the at least one maneuverable rack from the moveable receptacle; and*

*loading the at least one maneuverable rack back onto the transfer vehicle for transportation of the rack from the second location back to the first location.*

Again, based upon the Applicant's review of Colato et al. '736, there is no disclosure of these steps in the description or drawings. Specifically with respect to these final recited steps in Applicant's claim 1, again, there is no refrigerated vehicle in Colato et al. '736 and, in fact, there is no secondary transfer vehicle in Colato '736 at all! Only the rack carrier, or enclosure Ca, a fact which will be discussed in further detail below, is present. However, with respect to the Applicant's above noted claim feature which expressly requires the removal of the racks from the receptacle at the second location for loading onto the refrigerated vehicle for return to the food preparation site, i.e., the first site, this enables the Applicant's receptacle to be left at the second site whereas no such removal or separation of the cart Ca and the racks of Collato et al. '736 is expressly or inherently disclosed (except at the food preparation point).

The Examiner alleges that Colato et al. '736 col. 2 lines 22-37, discloses the above two claimed steps, in that once the meals on the trays have been consumed, the trays are returned to the racks which are returned to the first location by the transfer vehicle. Primarily, a review of this portion of Colato et al. '736's disclosure fails to reveal a transfer vehicle other than the enclosure Ca, or secondarily, that the racks are taken to any location in particular by a transfer vehicle. Most importantly, the Applicant believes that the Examiner is confusingly utilizing one element of the Colato et al. '736 reference –the cart Ca-- to cover both the Applicant's transfer vehicle, and separate receptacle, which are in fact two different elements which perform two entirely separate functions and hence, provide two different limitations in the present claims.

Properly read in context, the Colato et al. '736 disclosure portions cited by the Examiner at column 2, lines 22-37 should also include the initial recitation, namely, column 2, lines 16-21, “[t]he enclosure or cart with its tray rack or racks and complete trays within the same may be prepared with food at a central supply point and then conveyed to any desired location and during such time all food on the tray remains refrigerated”. Thus, the only transfer vehicle being discussed in at least this portion of Colato et al. '736 is actually the cart or enclosure Ca.

These are not unimportant distinctions, particularly in view of the crowded nature of the field and that Colato et al. '736, in fact, relates specifically to an APPARATUS FOR HEATING A FOOD ITEM WHILE RETAINING ITS MOISTURE AND NUTRITIONAL COMPONENTS, as stated by the title. The Applicant's claimed invention relates specifically to a method, and the method as claimed by the Applicant is not only not disclosed by Colato et al. '736, as required by case law, but any inferred methodology discussed in Colato et al. '736 relates to a method which the Applicant is explicitly avoiding by ensuring that the receptacle remains at the second location, while the rack and trays are shuttled via the transfer vehicle to and from the first location.

Turning to claim 2, at the very least, as discussed above with respect to claim 1, claim 2 recites the steps of:

*at a first location:*

*...providing a transfer vehicle for transporting the rack, loaded with the at least one tray bearing the apportioned food, from the first location to a second location spaced from the first location;*

*at the second location:*

*...transferring the rack from the transfer vehicle to a receptacle at the second location;*

These steps are not disclosed, taught or suggested in any manner by Colato et al. '736 for the same reasons as set forth above with respect to claim 1. By way of further explanation, the Applicant claims two things (1) a transfer vehicle; and (2) a receptacle. No matter whether Colato et al. '736 disclose a transfer vehicle or a receptacle, and the Applicant adamantly maintains that Colato et al. '736 only discloses a moveable receptacle Ca, the reference does not disclose both a transfer vehicle and a receptacle, nor the manner in which the two different articles are utilized together in the presently claimed method.

Independent claim 13 also specifically recites the limitations of the two different items, i.e., the transport vehicle and the receptacle, as discussed above:

*at a first location:*

*...loading the rack, stacked with the plurality of trays, onto a transport vehicle for transportation to a second remote location;*

*at the second location:*

*...transferring the rack, at the second location, from the transport vehicle to a receptacle...*

The Applicant reiterates that these steps are not disclosed, taught or suggested in any manner by Colato et al. '736 for the same reasons as set forth above with respect to claim 2. By way of further explanation, the Applicant specifically first claims loading the racks onto a transfer vehicle; and secondly transferring the racks to a receptacle at the second location. No matter whether Colato et al. '736 disclose a transfer vehicle or a receptacle, and the Applicant adamantly maintains that Colato et al. '736 only discloses a moveable receptacle Ca, the reference does not disclose both a transfer vehicle and a receptacle. More importantly, nor does Colato et al. '736 disclose the method of utilizing the two different articles together in conveying the racks between, and with respect to, the first and second locations.

Independent claim 21 includes the following limitations as discussed above with respect to utilizing both a transport vehicle and a moveable receptacle, as well as a refrigerated transport vehicle, as set forth in claims 1 and 2:

*at a first location:*

*...loading the rack, stacked with the plurality of trays, onto a refrigerated transport vehicle for transportation to a second remote location;*

*at the second remote location:*

*...transferring the rack, at the second location, from the refrigerated transport vehicle to a moveable receptacle,*

As discussed above, Collato et al. '736 fails to reveal any disclosure relating to a "refrigerated transport vehicle". The Examiner has indicated that column 2, lines 62-68 of the Collato et al. '736 disclosure reveals this feature, however the Applicant respectfully disagrees.

This passage discloses ".....a refrigerated tray rack having means for heating certain of the food dishes on the trays therein as herein before described and transported by an appropriate vehicle.....". Collato's prior disclosure describes the movable refrigerated enclosure Ca, but importantly there is no disclosure of a further refrigerated transfer vehicle! In fact, it is readily apparent that with the trays, food and racks in the refrigerated enclosure Ca, an appropriate vehicle would not necessitate a further refrigerated vehicle, and this besides the fact that a refrigerated transfer vehicle is not disclosed, the Applicant believes this portion of the Collato et al. '736 disclosure teaches explicitly away from a refrigerated transfer vehicle as recited in claim 21. Claim 21 also recites the limitations:

*at the second remote location:*

*...removing the at least one maneuverable rack from the moveable receptacle;*

*loading the at least one maneuverable rack back onto the transfer vehicle for transportation of the rack from the second location back to the first location for reuse while leaving the receptacle at the second location.*

As discussed above with respect to the previous independent claims, there is no disclosure of these steps in the description or drawings. Specifically with respect to these finally recited steps in claim 21, which expressly require the removal of the racks from the receptacle

at the second location, this enables the receptacle to be left at the second site as specifically claimed, whereas no such removal or separation of the cart Ca and the racks of Collato et al. '736 is disclosed, or even in light of an inherent understanding of Collato's system at a second location is contemplated either expressly or inherently.

The Examiner also alleges that column 2, lines 22-37 of Collato et al. '736, disclose the above two steps, in that once the meals on the trays have been consumed, the trays are returned to the racks which are returned to the first location by the transfer vehicle. Primarily, a review of this portion of Collato's disclosure fails to reveal a transfer vehicle, or secondarily, that the racks are taken to any location in particular by a transfer vehicle. Most importantly, the Applicant believes that the Examiner is again confusingly utilizing one element of the Collato et al. '736 reference --the cart Ca-- to cover both the Applicant's transfer vehicle and the separate receptacle, which are in fact two different elements and limitations in the present claims.

As previously discussed, properly read in context, the Collato et al. '736 passage cited by the Examiner, at column 2, lines 22-37, should also include the initial recitation, namely column 2, lines 16-21, “[t]he enclosure or cart with its tray rack or racks and complete trays within the same may be prepared with food at a central supply point and then conveyed to any desired location and during such time all food on the tray remains refrigerated.” Thus, the Applicant believes that the only transfer vehicle being discussed in at least this portion of Collato '736 is actually the cart or enclosure Ca.

These are not unimportant distinctions, particularly in view of the crowded nature of the field and that Collato in fact relates specifically to an APPARATUS FOR HEATING A FOOD ITEM WHILE RETAINING ITS MOISTURE AND NUTRITIONAL COMPONENTS, as stated by the title. The Applicant's claimed invention relates specifically to a method, and the method as claimed by the Applicant is not only not disclosed by Collato et al. '736, as required by case law, but any inferred methodology discussed in Collato et al. '736 tends to infer a method which the Applicant is explicitly avoiding by providing a method which allows the receptacle to remain

at the second location, while the rack and trays are shuttled via the transfer vehicle to and from the first location.

Lastly regarding claim 21, the Applicant points out that the further limitations directed to specifically leaving the receptacle at the first location while the rack is returned to the first location via the transport vehicle is specifically set forth, notably:

*...loading the at least one maneuverable rack back onto the transfer vehicle for transportation of the rack from the second location back to the first location for reuse while leaving the receptacle at the second location.*

As independent claims 23 and 32 contain essentially the same limitations as the above discussed claims, these claims are believed allowable for the same reasons as above and thus no further discussion is believed necessary.

Turning to claim 32, in addition to the above discussed features, the Applicant has further more clearly recited another fundamental difference between Colato et al. '736 and the presently claimed invention, namely:

*at the remote location:*

*...providing a heating system and a cooling system to rethermalize the apportioned food on the at least one tray on the rack in the receptacle;*

The above claimed distinction is important in light of the Colato et al. '736 reference which describes a mechanism for transporting, rethermalizing and dispensing food on trays wherein a moveable refrigerated container is provided with racks for the holding trays. As explained in the previous response, each of Colato et al. '736's trays is provided with an individual associated heating apparatus that is fixedly mounted in the rack C, not in the enclosure or trolley Ca, and each heating apparatus has heating elements corresponding to hot food dishes on the tray. The hot food dishes are exposed to the heating elements to maintain the hot food dishes at a hot temperature while the cold food dishes are exposed to the refrigeration when in the container and are shielded from the heating elements, thereby keeping the cold food dishes at cold temperatures. In use, the loaded trays are brought to the refrigerated container

and loaded into the racks therein and the heating apparatus of each tray is plugged into power wiring in the trolley Ca. The main point being that Colato et al. '736 only discloses the heating elements specifically in and on the rack C, and not in the trolley as recited in claim 32.

As none of the above noted specifically claimed steps are taught, disclosed or suggested in any manner by Colato et al. '736, the Applicant respectfully requests withdrawal of the anticipation rejections of claim 1-40.

With respect to the following claims 41-46, which are all independent, the Applicant notes that these claims include a still further limitation, namely, the specific recitation relating to the lack of a maneuverable rack having heating and cooling means. This limitation is in addition to the above discussed subject matter, to provide a still further distinction between the cited Colato et al. '736 '736 reference and the present invention.

Claim 41 recites:

*providing a maneuverable rack, lacking any heating and cooling means...*

The Examiner states that this limitation could be performed by Colato et al. '736 since the heating elements 84 are removable. Firstly, in the context of an anticipation rejection, the Applicant can find no disclosure in Colato et al. '736 relating to either (1) a rack C, not having such tray supports 84 incorporating heating elements, nor (2) that such tray support heating elements 84 are in fact removable from the rack. Actually observing in Colato et al. '736's Fig. 1 that the actual heating elements 96, 104 are integral in the tray support, and that the tray support directly supports at least one side of every food tray in the rack C, if Colato et al. '736's tray supports were in fact removed, there would be no way to hold up a tray of food.

Therefore, even if the heating system is in some manner detachable from the rack as alleged by the Examiner, and this is adamantly not conceded, the reference does not disclose a rack lacking a heating a cooling system as specifically recited in the Applicant's claims. Secondly, and more importantly, the Applicant disagrees that the heating and cooling system is removable. Observing Fig. 1, the heating support 84 is affixed to the rack C by at least 4

screws 128. While arguably a technician might replace or repair a heating support 84 by using a tool to unscrew the support 84 from the tray, the Applicant asserts that in the normal course of use of Colato et al. '736's rack C and enclosure Ca, these heaters and support 84 are permanently affixed to the rack C, and not removable as indicated by the Examiner.

In addition claim 41 also recites:

*transferring the rack, at the second location, from the refrigerated transport vehicle to a moveable receptacle, and the moveable receptacle having a heating means and a cooling means, and the receptacle being configured to receive at least one rack;*

The cart Ca in Colato et al. '736 fails to disclose the receptacle Ca having a heating system. The heating and tray supports 84 are shown only in the racks C.

Claims 42-46 each recite, in one manner or another, essentially the same distinguishing features as claim 41 and, therefore, are believed to be allowable for the reasons as set forth above as well for the same reasons.

Claims 2-8 and 10-15 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Stromqvist '650. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks and the above noted specifically claimed features of the present invention as set forth with respect to Colato et al. '736.

Stromqvist '650 discloses a food heating and handling structure. Specifically, a structure for transferring into an upright heating apparatus (an oven) all at one time a plurality of receptacles containing food, and then after all of the food in the food receptacles has been heated in the oven, for transferring from the oven all at one time the plurality of receptacles of heated food (see column 1, lines 15-19; column 3, lines 29-40.) In contrast with Applicant's invention, Stromqvist '650 does not disclose or even relate to an apparatus or method for regenerating food where meals that may include both hot food items (e.g., soup, a hot entree, vegetables, and coffee) and cold food items (e.g., a salad, bread and butter, a glass of milk, and dessert) are placed on trays at a central food preparation facility, transferred to, for

example, a hospital wing, regenerated using a heating system and a cooling system such that hot food items may be served hot and cold food items may be served cold without disturbing the meal apportioned on each tray, and served to consumers such as hospital patients. Stromqvist '650's system does not even have a cooling system.

Stromqvist '650 merely relates to a way of heating a plurality of food receptacles all at once in an oven. Stromqvist '650 does not teach or suggest Applicant's method wherein food is apportioned onto a plurality of trays at a first location such as a central food preparation facility, the trays are loaded onto a rack, the rack loaded with trays is loaded onto a transport vehicle for transportation to a remote location from the first location, the loaded rack is transported in the transport vehicle to the remote location, the loaded rack is transferred from the transport vehicle to a receptacle, and a heating system and a cooling system are activated to regenerate the food on the rack positioned in the receptacle.

While Applicant's method involves moving food from a central food processing area to a remote location where the food is regenerated and distributed, it is believed that Stromqvist '650's oven is located in a central food processing area such as a kitchen and is merely used to heat up a plurality of food receptacles at the same time to handle a lunch time rush such as in a school cafeteria. Further support of this distinction is evident as the Stromqvist '650 oven produces objectionable fumes and moisture, and utilizes a conduit to exhaust the water vapor and fumes from the oven (column 7, lines 3-17). Therefore, Stromqvist '650 does not teach, suggest or disclose the present regeneration invention, but rather relates to a kitchen oven.

Because of these fundamental differences between the present invention and Stromqvist '650, Stromqvist '650 does not teach, suggest or disclose any of these aspects, structural features or methods of use of the present invention under either 35 U.S.C. § 102 or 35 U.S.C. § 103. It is, therefore, the belief and position of the Applicant that the present invention, as recited in the pending claims as amended herein, are completely, fundamentally and patentably distinguished over and from the teachings of Stromqvist '650 under both 35 U.S.C. § 102 or 35 U.S.C. § 103. The Applicant, therefore, respectfully requests

that the Examiner reconsider and withdraw all rejections of the claims under 35 U.S.C. § 102 and any anticipatory rejections of the claims under 35 U.S.C. § 103 and allowance of the claims as amended herein.

Claims 41-46 are rejected, under 35 U.S.C. § 103(a), as being unpatentable in view of Stromqvist '650 and either Pennington et al. '973, Liebermann '935 or Yerman '320. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

As the Examiner is aware in order to properly combine references under a 35 U.S.C. § 103 rejection, each of the references must provide some disclosure, teaching or suggestion that would lead one of skill in the art to combine the references as suggested by the Examiner. Turning first to a combination of Stromqvist '650 and Pennington et al. '973, the Applicant notes that these references are each complete in and of themselves and disclose entirely different methods of heating and cooling previously prepared food. A thorough study of each reference reveals no teaching or suggestion in either one that would lead one of ordinary skill in the art to combine them. Notably, in Pennington et al. '973, column 2, line 58 through column 3, line 37, a detailed description of the compartment 14 and tray holding racks 24 describes strips of material projecting perpendicular from the walls of the compartment 14. It is readily evident from this description, as well as from Figs. 1-3, that these racks 24 are, in fact, not removable from the compartment 14 at all. Neither is there any discussion or suggestion or teaching that a removable rack and tray support would be beneficial or necessary.

Furthermore, the serving cart of Pennington et al. '973 is specifically designed to have an inventive dual temperature zone and is particularly constructed as set forth in column 2, line 35-57 having "a light weight single panel construction advantageously can be used to reduce the total weight of the cart and reduce material costs without substantial reduction in the effectiveness of the cart where the hot and cold zones are otherwise maintained according to the invention". The Applicant believes that this in fact, teaches specifically away from the addition of a further or removable rack system such as in the present invention or in Stromqvist

‘650. Therefore, the Applicant believes that these references are not properly combinable and, in fact, teach specifically away from the combination alleged by the Examiner.

In addition, a combination of these references, even if proper, and such is adamantly not conceded, would still not meet the limitations of the presently claimed invention, most notably the specifically claimed method of transporting a rack via a transfer vehicle from a first location to a second location and transferring the rack from the transfer vehicle to a movable receptacle at a second location as specifically claimed by the Applicant. Pennington et al. ‘973 reveals nothing with respect to a food delivery cycle other than the specific heating and cooling apparatus therein.

The Applicant also believes that Stromqvist ‘650 is improperly combined with Yerman ‘320 which, as set forth with respect to Pennington et al. ‘973 above, also merely recites a food service cabinet for holding food. Yerman ‘320 describes a cabinet having a shelf support system which can be dismantled from the cabinet to allow for removal and cleaning and/or adjustment. Again, as discussed with respect to Pennington et al. ‘973, this reference is believed to be complete in and of itself particularly with respect to the unique shelf support system which is easy to take out and clean. This shelf support system is not designed to hold trays outside of its combination with the storage container 20.

Again, as set forth above, even if it is combinable, in fact, with Stromqvist ‘650 and such is, again, not conceded hereby, there is no disclosure, suggestion or teaching of the Applicant’s specifically claimed method of delivering a rack between a first and second location as particularly claimed.

Liebermann ‘935 is also believed to be complete in and of itself and so completely different from the Stromqvist ‘650 reference that no person of ordinary skill in art would combine the references, particularly as suggested by the Examiner. The Applicant notes that Liebermann ‘935 relates to an individual shelf which can either be heated or cooled depending on necessity. The Applicant notes that while each individual shelf might in fact, be removed, there is no moveable rack as particularly taught by Stromqvist ‘650 or even the presently

claimed invention. Furthermore, even if the shelves could be defined as a moveable rack, the rack would have both heating and cooling means as described therein and claims 41-46 specifically recite the lack of these elements in combination with the rack. Therefore, again, even if Stromqvist '650 is properly combinable with Liebermann et al. '935, such a combination would tend to teach that the rack should include the heating and cooling means and thus tends to teach specifically away from the claimed features of the presently recited invention.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Colato et al. 736, Stromqvist '650, Pennington et al. '973, Liebermann '935 and/or Yerman '320 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

09/928,546

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

*Ed Daniels*

~~Scott A. Daniels, Reg. No. 42.462~~

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**CERTIFICATE OF TRANSMISSION**

**CERTIFICATE OF TRANSMISSION**

Scott A. Daniels

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

2. (AMENDED) A method of preparing and transporting food for regeneration rethermalization comprising the steps of:

preparing food at a first location;

preparing food;

apportioning the prepared food onto at least one tray;

loading the at least one tray, bearing the apportioned food, onto a rack for receiving and supporting a plurality of trays in a predetermined alignment;

providing a transfer vehicle for transporting the rack, loaded with the at least one tray bearing the apportioned food, from the first location to a second location spaced from the first location;

loading the rack, stacked with the at least one tray, onto a transfer vehicle for transportation to a second location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transfer vehicle to the second location;

at the second location:

transferring the rack from the transfer vehicle to a receptacle at the second location; and

rethermalizing the apportioned food while the at least one tray is supported by the rack at the second location.

-9. -(NEWAMENDED) The method as claimed in claim 2, further comprising the step of using a mobile trolley incorporating heating/cooling means as the receptacle to facilitate regeneration rethermalization of the apportioned food on the at least one tray.

10. (NEWAMENDED) The method as claimed in claim 2, further comprising the step of using one of:

a mobile trolley incorporating heating/cooling means as the receptacle;

athe mobile trolley coupled in operable combination with a separate heating cooling means; and

athe heating/cooling means to facilitate regeneration rethermalization of the apportioned food on the at least one tray.

13. (NEWAMENDED) A method of preparing, transporting and dispensing food, the method comprising the steps of:

at a first location:

preparing the food for consumption at a first location;  
apportioning the food onto a plurality of trays at the first location;  
providing a maneuverable rack with a predetermined stacking arrangement of particular dimensions and stacking the plurality of trays, once apportioned with food, in the rack;

loading the rack, stacked with the plurality of trays, onto a transport vehicle for transportation to a second remote location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

at the second remote location:

transferring the rack, at the second location, from the transport vehicle to a receptacle, and the receptacle having at least one of heating means and cooling means, and the receptacle being configured to receive at least one rack;

activating one of the heating means and the cooling means to regenerate~~rethermalize~~ the apportioned food of the plurality of trays of the rack; and

dispensing the plurality of trays, containing the apportioned food, to consumers for consumption once the apportioned food is sufficiently regenerated~~rethermalized~~.

21. (NEWAMENDED) A method of preparing, transporting and dispensing food, the method comprising the steps of:

at a first location:

preparing the food for consumption at a first location;  
apportioning the food onto a plurality of trays at the first location;  
providing a maneuverable rack with a predetermined stacking arrangement of particular dimensions and stacking the plurality of trays, once apportioned with food, in the rack;

loading the rack, stacked with the plurality of trays, onto a refrigerated transport vehicle for transportation to a second remote location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

at the second remote location:

transferring the rack, at the second location, from the refrigerated transport vehicle to a moveable receptacle, and the moveable receptacle having at least one of heating means and cooling means, and the receptacle being configured to receive at least one rack;

relocating the moveable receptacle to a desired position;

activating one of the heating means and the cooling means to regenerate the apportioned food of the plurality of trays of the rack; and

dispensing the plurality of trays, containing the apportioned food, to consumers for consumption once the apportioned food is sufficiently regenerated;

collecting the plurality of trays with the rack in the receptacle following consumption by the consumer;

removing the at least one maneuverable rack from the moveable receptacle;

loading the at least one maneuverable rack back onto the transfer vehicle for transportation of the rack from the second location back to the first location for reuse while leaving the receptacle at the second location.

22. (NEWAMENDED) A method of preparing, transporting and dispensing food between a series of remote locations, the method comprising the steps of:

at a first location:

preparing the food for consumption at a first location;

apportioning the food onto a plurality of trays at the first location;

stacking the trays in a manually maneuverable rack, and providing the rack with a predetermined stacking arrangement of particular dimensions;

loading the maneuverable rack onto a transfer vehicle for transportation to a second remote location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

at the second remote location:

transferring the maneuverable rack, at the second location, into a moveable receptacle comprising at least one of heating and cooling means, and the receptacle being configured to receive at least one of the plurality of racks;

relocating the moveable receptacle to a desired position;

activating at least one of the heating and cooling means prior to dispensing of the food trays to consumers; ♦♦  
dispensing the food trays to the consumers for consumption; ♦♦  
collecting and re-stacking the trays in the rack situated within the receptacle; ♦♦  
removing the at least one maneuverable rack from the moveable receptacle; and ♦♦  
loading the at least one maneuverable rack back onto the transfer vehicle for transportation of the rack from the second location back to the first location. ♦♦

23. (NEW~~AMENDED~~) A method of preparing and transporting food for regeneration rethermalization comprising the steps of: ♦♦  
♦♦

apportioning food onto at least one tray;  
loading at a first location;  
loading at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray;  
loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;  
transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location; ♦♦  
at the remote location: ♦♦

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle, the receptacle being configured to receive at least one rack; and ♦♦

activating a heating system and a cooling system to regenerate rethermalize the apportioned food on the at least one tray on the rack that is positioned in the receptacle. ♦♦  
♦♦

32. (NEW~~AMENDED~~) A method of preparing and transporting food for regeneration rethermalization comprising the steps of: ♦♦  
♦♦

apportioning food onto at least one tray;  
at a first location: ♦♦  
loading at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray; ♦♦

loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

at the remote location:

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle, the receptacle being configured to receive at least one rack;

providing a heating system and a cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack in the receptacle; and

activating at least one of the heating system and the cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack that is positioned in the receptacle.

41. (NEW~~AMENDED~~) A method of preparing, transporting and dispensing food, the method comprising the steps of:

preparing the food for consumption at a first location;

apportioning the food onto a plurality of trays at the first location;

providing a maneuverable rack, lacking any heating and cooling means, with a predetermined stacking arrangement of particular dimensions, and stacking the plurality of trays, once apportioned with food, in the rack;

loading the rack, stacked with the plurality of trays, onto a refrigerated transport vehicle for transportation to a second remote location;

transferring the rack, at the second location, from the refrigerated transport vehicle to a moveable receptacle, and the moveable receptacle having a heating means and a cooling means, and the receptacle being configured to receive at least one rack;

relocating the moveable receptacle to a desired position;

activating the heating means and the cooling means to ~~regenerate~~rethermalize the apportioned food of the plurality of trays of the rack; and dispensing the plurality of trays, containing the apportioned food, to consumers for consumption once the apportioned food is sufficiently ~~regenerated~~rethermalized.

42. (NEW~~AMENDED~~) A method of preparing, transporting and dispensing food between a series of remote locations, the method comprising the steps of:

at a first location:

preparing the food for consumption at a first location;  
apportioning the food onto a plurality of trays at the first location;  
stacking the trays in a manually maneuverable rack providing only a predetermined stacking arrangement of particular dimensions and lacking any heating and cooling means;

loading the maneuverable rack onto a transfer vehicle for transportation to a second remote location;

at the second remote location:

transferring the maneuverable rack, at the second location, into a moveable receptacle having a heating means and a cooling means, and the receptacle being configured to receive at least one rack;

relocating the moveable receptacle to a desired position;  
activating the heating means and the cooling means prior to dispensing of the food trays to consumers; and

dispensing the food trays to the consumers for consumption.

43. (NEW~~AMENDED~~) A method of preparing and transporting food for regeneration ~~rethermalization~~ comprising the steps of:

at a first location:

apportioning food onto at least one tray;

loading at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray, the rack having no heating system and no cooling system;

loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

at the remote location:

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle having a heating

system and a cooling system, the receptacle being configured to receive at least one rack; and

activating a heating system and a cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack that is positioned in the receptacle.

44. (~~NEW~~AMENDED) A method of preparing and transporting food for ~~regeneration~~rethermalization

comprising the steps of:

apportioning food onto at least one tray;

loading at a first location at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray, the rack having no heating system and no cooling system;

loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle, the receptacle being configured to receive at least one rack; and

activating a heating system and a cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack that is positioned in the receptacle;

the heating system and the cooling system being demountably coupled to the receptacle.

45. (~~NEW~~AMENDED) A method of preparing and transporting food for ~~regeneration~~rethermalization comprising the steps of:

apportioning food onto at least one tray;

loading at a first location at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray, the rack having no heating system and no cooling system;

loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle, the receptacle being configured to receive at least one rack;

providing the receptacle with a heating system and a cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack in the receptacle; and

activating at least one of the heating system and the cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack that is positioned in the receptacle;

the heating system and the cooling system being located in the receptacle.

46. (NEW~~AMENDED~~) A method of preparing and transporting food for regeneration ~~rethermalization~~ comprising the steps of:

apportioning food onto at least one tray;  
loading at a first location at least one tray bearing the apportioned food onto a rack for receiving and supporting the at least one tray, the rack having no heating system and no cooling system;

loading the rack, containing the at least one tray, onto a transport vehicle for transportation to a remote location from the first location;

transporting the rack, containing the at least one tray bearing the apportioned food, in the transport vehicle to the remote location;

after the rack has been transported to the remote location in the transport vehicle, transferring the rack from the transport vehicle to a receptacle, the receptacle being configured to receive at least one rack;

providing the receptacle with a heating system and a cooling system to ~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack in the receptacle; and

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activating at least one of the heating system and the cooling system to  
~~regenerate~~rethermalize the apportioned food on the at least one tray on the rack that  
is positioned in the receptacle;

the heating system and the cooling system being located in the  
receptacle.